

EXHIBIT M

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA

FIREPOND, INC.,
a Delaware corporation,

Plaintiff,

v.

RIGHTNOW TECHNOLOGIES, INC.,
a Montana corporation,

Defendant.

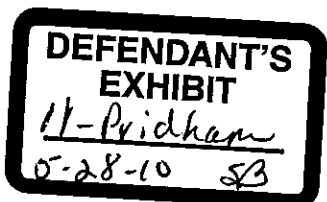
Civil Action No. 03-3165 (ADM/FLN)

DECLARATION
OF AMY RICE

I, Amy Rice, hereby declare and state as follows:

1. I was employed by Brightware, Inc. ("Brightware") from approximately April 1995 through March 31, 2000. I understand that Brightware was formed in 1995 as a spin-off company from Inference Corporation. My position at Brightware changed over time, but my duties generally related to and included: commercial artificial intelligence applications development and technical project management in the area of business knowledge. In work prior to Brightware, I had been involved in developing software applications using artificial intelligence.
2. In particular, I was involved in formulating strategic plans while at Brightware to transform its customers' organization and technology infrastructures to optimize the creation, use, distribution and refinement of those customers' business knowledge. In that regard, I originated, planned and managed software development projects relating to Brightware's corporate knowledge-based ("KB") software.
3. Throughout my time at Brightware, I specialized in knowledge acquisition ("KA") and knowledge model development, including knowledge base design and coding and the training and documentation services for both Brightware clients and junior consultants within Brightware.
4. Together with a Brightware management team and a development team, I developed account acquisition strategies and presentations, including KB application assessments at the corporate level, as well as cost-benefit analysis, knowledge and system architecture and project proposals regarding these KB applications. Those project proposals included: project scoping, application design, and business deployment and implementation planning.

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ATTORNEY'S EYES ONLY

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5. During my employment at Brightware, Chase Manhattan Bank ("Chase") invited Brightware to provide a proposal for proprietary consulting services, including a review and recommendation for improving Chase's existing information technology ("IT") systems.
6. I was one of the primary Brightware employees responsible for Brightware's response to Chase's request for consulting services. Chase and Brightware agreed to explore, on a confidential and exclusive basis, a variety of artificial intelligence concepts and applications.
7. In the course of providing consulting services, Brightware and Chase identified numerous areas in which Chase's existing systems could be improved, including the automation of manual decision procedures. One project discussed was the potential automation of manual decision procedures in response to email inquiries, using Brightware's artificial intelligence products and applications.
8. After hearing Chase representatives describe Chase's existing labor-intensive system for managing and responding to email inquiries from Chase's customers or prospective customers, I conceived the basic idea for improving that system, using artificial intelligence. Based on my recollection of the time of the beginning of Chase's initial contact, I believe that the verbal description of Chase's system and my basic idea occurred in the middle of 1995. I gave a written overview to Anthony Angotti and other Chase representatives describing my ideas (including the general concept, justification and plan) for improving Chase's email response using artificial intelligence. My recollection is that a decision was made between Brightware and Chase to move forward with development of the knowledge based portion only of such a system around July 1995. Before this work, neither I nor others in Brightware had attempted this type of automated email response system for any other Brightware customers.
9. Beginning in late July, 1995 I then developed a PowerPoint presentation regarding the justification for and plan to design, develop and implement an improved email management system concept for Chase that I named "EZ Reader". That PowerPoint presentation was first delivered by me to Chase in early August, 1995. The presentation was made to upper management within Chase as an update of all the ongoing proprietary development activities of myself and others on the Brightware development team. Neither I nor, to my knowledge, anyone else at Brightware ever shared that PowerPoint presentation with others besides Chase.
10. Between July 1995 and June 1996, the email management system concept described in my overview presentation and the PowerPoint was developed solely by Brightware and solely for Chase. During this development period, an early version of the EZ Reader KB was used to track, monitor and compare, on a monthly basis, the EZ Reader KB versus manual email response statistics at Chase. Those statistics included both accuracy and time to complete responses. Throughout this twelve month period, to my knowledge Chase never abandoned the manual system for managing and responding to email inquiries from its customers and potential customers. Based on the demonstrated

improvements afforded by our still-experimental EZ Reader test system, further refinements were made over time.

11. During 1996, the EZ Reader system was demonstrated in an experiment, running in parallel with the then-existing manual Chase email system in Rochester, New York, to process external emails sent to the "Chase Direct" division by actual Chase customers or potential customers. However, Chase did not implement the automated EZ Reader response-return function during this experiment. The result was that the EZ Reader forwarded all of its test output email responses to a single administrator's outbox within Chase and held there, pending human review and revision before release. This meant that, for all incoming email messages to the Chase Direct division, human intervention was always required before any response was delivered.
12. In 1996, I co-authored an article entitled "EZ Reader: Imbedded AI for Automatic Electronic Mail Interpretation and Routing" (referred to as the "EZ Reader Article"). Based on my recollection, that article was not finalized for publication until at least April 1996. It was submitted for publication in connection with the AAAI National Conference on Artificial Intelligence, held August 4-8, 1996, in Portland, Oregon. Ms. Hsu, another Brightware employee who was assigned to the Chase software development team, and I were the principal authors of the EZ Reader Article, but I recall being asked by others in Brightware management to include the names of certain management and personnel at Chase as co-authors. In submitting the final article, we indicated that EZ Reader was deployed, even though it had not been implemented at that time on Chase's external, public email system. In my recollection, neither Anthony Angotti nor Rosanna Piccolo wrote any part of the EZ Reader Article but they did receive copies for review and approved it in connection with our submission. After the experimental use, I do not recall the EZ Reader system ever being used on the external, public email system at Chase. I was involved after June 1996 on another software application project within Chase.
13. I am aware that Brightware filed a US Patent Application (No. 09/054,233) on April 2, 1998, and that the application eventually resulted in issuance of US Patent No. 6,411,947 in June, 2002. I am one of the named inventors on that '947 patent. Julie Hsu is also a named inventor. Ms. Hsu and I jointly conceived of all the subject matter that is claimed in the '947 patent. I am also aware that sometime around June 1996, there arose a dispute between Chase and Brightware as to who owned intellectual property rights relating to EZ Reader, which dispute resulted in a settlement between Chase and Brightware.
14. Based on my understanding, the EZ Reader system (both as it was being developed within Chase and as it was described in the EZ Reader Article) were being tested, and the EZ Reader system was never fully operating within Chase's Chase Direct public email environment.
15. While I was not personally involved in the negotiation of terms between Brightware and Chase for consulting work (including work on the EZ Reader), I was told and understood

that Brightware's development and application consulting work was both confidential and exclusive between Brightware and Chase.

16. Based on my recollection, prior to June 1996 no version of the EZ Reader email management application was ever provided to, offered for sale, sold, or ready to be sold to any other clients of Brightware.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my belief.

Dated: Jan 12, 2004

Amy Rice
Amy Rice